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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,810

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Fredrik Kjell

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

SPISICH, GEORGE D

ART UNIT

PAPER NUMBER

3616

MAIL DATE

DELIVERY MODE

06/25/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,810	Applicant(s) KJELL ET AL.	
	Examiner GEORGE D. SPISICH	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/28/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Species 3, Figure 3 in the reply filed on April 17, 2008 is acknowledged.

Claims 1-15 are considered at this point to broadly read on the elected Species 3 and have been examined in this Office Action. While it is arguable that Figure 3 includes the uppermost edge lying adjacent a side part of the vehicle (claim 1, line 5), Examiner is considering this limitation to read on the Elected Species at this time.

Claim 16 has been withdrawn by Applicant.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the plurality of mounting tabs (claim 3) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate

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figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 5 is unclear. Figure 3 does not show the uppermost edge of the airbag extending downwardly from the roll to lie adjacent a side part of the vehicle. It would appear that this limitation is only shown in Figure 1. It is commonly understood that the term "adjacent" is defined as members next to each other with no other structure between. In Figure 3, the mounting bracket is between the airbag and the vehicle.

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Claim 7 is unclear. Claim 7 depends from claim 2 however refers to structure (the channel) only claimed in claim 6 and therefore "the channel" lacks antecedent basis. It appears that Claim 7 should depend from claim 6.

Claim 13 is unclear. It is unclear how the airbag is "rolled toward" the outboard side of the airbag.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller (USPN 6,569,706) in view of Terbu et al. (USPN 6,626,456).

Mueller discloses an inflatable curtain (Figs. 2,3,5 and 6) for a motor vehicle formed of layers of fabric and being deployable from a compressed state to an inflated state. The uppermost edge of the airbag (see Fig. 5) when the airbag is in the inflated state extending downwardly to lie adjacent a side part of a motor vehicle on which the airbag is to be mounted.

The uppermost edge (due to the layers being sealed) is a substantially uninflatable region of the airbag provided with one or more mounting formations

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that are broadly considered "mounting tabs" that include apertures that are used to affix the airbag to the vehicle with mounting lugs (14).

With respect to claim 14, there is a gas flow duct (5) provided at the top of the airbag.

However, Mueller does not show the airbag rolled into the preinflated state. This manner of compressing/packaging an airbag is well known in the airbag art.

Terbu et al. discloses a curtain airbag that is rolled and as claimed in claim 13, which recites "in a direction towards the outboard side of the airbag".

Terbu et al. further teaches (see Figure 3) a wrap (16) that is a protective cover/sleeve for the rolled airbag further having a breakable seam (48).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the airbag arrangement of Mueller to compress the airbag in a rolled configuration and seamed protecting cover as taught by Terbu et al. and since it is well known in the airbag art to roll an airbag and provide protective covers.

When in the modified rolled state, the gas flow duct (5) would be "provided at the top part of the roll" as claimed in claim 14. This language does not require the gas flow duct portion of the airbag to be rolled with the body of the rolled airbag.

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Claims 5 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller in view of Terbu et al. as applied to claims 1-4,13 and 14 above, and further in view of Foster et al. (USPUB 2004/0108693) (provided by Applicant).

Mueller and Terbu et al. have been discussed in the prior rejection, however, neither show a bracket for mounting the airbag.

Foster et al. discloses a bracket (1) for mounting a side curtain airbag. The mounting bracket includes a supporting platform to support the airbag in a compressed uninflated state.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the mounting arrangement of the airbag of Mueller in view of Terbu et al. to use a mounting bracket as taught by Foster et al. so support the airbag in its pre-inflation state.

Allowable Subject Matter

Claims 6-9 and 15 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

With respect to claim 7, Examiner is considering the structure to be depending from Claim 6 since the particular detail of the side walls of the channel of the bracket are further defined in claim 7.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berntsson et al. (USPUB 2007/0296189), Worrel et al. (USPUB 2006/0237950), Yokohama et al. (USPUB 2003/0116947), Henderson (USPUB 2003/0042712), Kippschull et al. (USPN 7,303,206), Deligny et al. (USPN 7,040,647), DiSante et al. (USPN 6,761,374), Saderholm et al. (USPN 6,808,199), Niederman et al. (USPN 6,388,498), Nakajima et al. (USPN 6,530,594), Melia (USPN 6,481,744), Miyahara et al. (USPN 6,234,517).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE D. SPISICH whose telephone number is (571)272-6676. The examiner can normally be reached on Monday-Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George D. Spisich/
Examiner, Art Unit 3616
June 18, 2008

***/Lesley D. Morris/
Supervisory Patent Examiner, Art Unit 3611***